

22pm
8/10/00IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

STAMBAUGH'S AIR SERVICE, INC.,

AUG 9 2000

Plaintiff

978 MFR

vs.

No. 1:CV-00-0660

SUSQUEHANNA AREA REGIONAL AIRPORT : (Judge Kane)
AUTHORITY, BAA HARRISBURG, INC., : (Magistrate Judge Smyser)
DAVID FLEET, individually, DAVID :
HOLDSWORTH, individually, and DAVID C. :
MCINTOSH, individually :
:

Defendants

**RESPONSE TO NEW MATTER IN DEFENDANTS' RESPONSE TO
MOTION OF PLAINTIFF STAMBAUGH'S AIR SERVICE, INC. TO
STRIKE EXHIBIT A TO DEFENDANTS' REPLY BRIEF OR, IN THE
ALTERNATIVE, FOR LEAVE TO FILE A SURREPLY BRIEF**

I. INTRODUCTION

Plaintiff Stambaugh's Air Service, Inc. ("Stambaugh's"), by and through its undersigned attorneys, files this response to the New Matter contained in defendants' response to Stambaugh's motion to strike or, in the alternative, for leave to file a surreply brief. Stambaugh's responds as follows:

11. Denies. Stambaugh's specifically denies that Exhibit A is anything more than unverified and inaccurate factual assertions improperly attached to the reply brief.

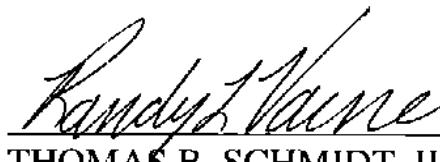
12. Denies. Stambaugh's specifically denies that "[a]t no time have the Defendants attempted to use any of the information set forth in the June 14, 2000 letter attached as Exhibit "A" to its Reply Brief." By improperly attaching Exhibit A to the reply brief, defendants have injected unverified and inaccurate factual assertions into this matter.

13. Denies. Stambaugh's specifically denies that it has had the opportunity to adequately represent its position relative to the information contained in Exhibit A.

14. Denies. Stambaugh's specifically denies that it has had the opportunity to adequately and fully make an argument to contradict the unverified and inaccurate factual assertions in Exhibit A.

WHEREFORE, plaintiff Stambaugh's Air Service, Inc. requests that this Court order that Exhibit A to defendants' reply brief in support of their motion to dismiss be stricken or, in the alternative, grant leave to Stambaugh's Air Service, Inc. to file a surreply brief to address the matters in Exhibit A to defendants' reply brief.

Respectfully submitted,


Randy L. Varner
THOMAS B. SCHMIDT, III (19196)
BRIAN P. DOWNEY (59891)
RANDY L. VARNER (81943)
KELLY ANN RYAN (84096)
Pepper Hamilton LLP
200 One Keystone Plaza
North Front and Market Streets
Post Office Box 1181
Harrisburg, PA 17108-1181
(717) 255-1155
(717) 238-0575 (Fax)

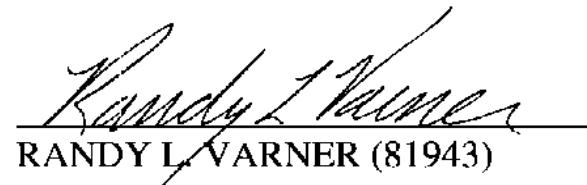
August 9, 2000

Attorneys for Plaintiff
Stambaugh's Air Service, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2000, I served the foregoing document by placing a true and correct copy thereof in the United States mail, first class postage prepaid, on the following individual, addressed as follows:

Dean F. Piermattei, Esquire
Rhoads & Sinon LLP
One South Market Street
P.O. Box 1146
Harrisburg, PA 17108-1146


Randy L. Varner
RANDY L. VARNER (81943)